



DISABILITY NOTES



ASSOCIATE COMMISSIONER'S COLUMN

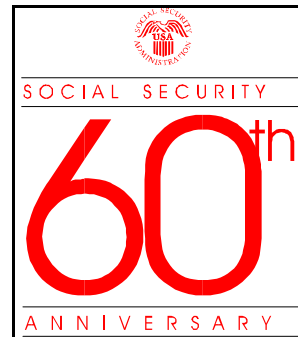
July 26, 1995 marked the fifth anniversary of the signing of the Americans with Disabilities Act. This landmark civil rights legislation has had positive, and often dramatic, impact on the lives of thousands of people with disabilities. Many of those people came to Washington, D.C. to celebrate this important anniversary and to share their personal victories as a result of the ADA.

At a ceremonial breakfast on July 25th, the National Council on Disability (NCD), pursuant to a Congressional mandate, presented a report on the ADA to U.S. Attorney General Janet Reno which spotlighted actual examples of how the ADA has changed lives. Showing bipartisan support for the ADA, former U.S. Attorney General Richard Thornburgh was in attendance. After visiting all 50 States, D.C. and the U.S. Virgin Islands, the NCD found that the ADA has:

- created greater access to the physical environment (e.g., banks have installed electric doors, lowered counters and teller windows, brailled instructions, and

(Continued on page 4.)

Social Security Administration
Office of Disability
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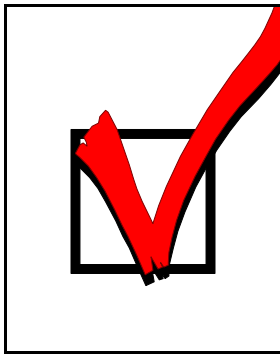
SOCIAL SECURITY'S 60TH YEAR

On August 14, the Social Security Administration marked the 60th anniversary of the signing of the Social Security Act by President Roosevelt. Could the President possibly have envisioned the impact his signature would have for millions of Americans 60 years later? "We can never insure 100 percent of the population against 100 percent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age."

From this early goal, Social Security has

evolved into a base of economic security for young and old alike. With the addition of survivors benefits, disability and Supplemental Security Income benefits and Medicare, Congress has helped the program keep pace with society's changing needs.

Today, as we enter the last half of the last decade of the twentieth century, Social Security is an integral part of American life. It is an essential element of the nation's economic well-being. Social Security addresses the uncertainties brought about by death, disability and old age. It continues to fulfill its historic commitment to serve the American people in a caring, effective, efficient way.



NEW ADVISORY BOARD ANNOUNCED BY COMMISSIONER CHATER

President Clinton today completed his nominations to key posts within SSA as required by

legislation creating SSA as an independent agency. The President formally nominated Harlan Mathews, a former U.S. Senator from Tennessee, to be the chairman of the seven-member Social Security Advisory Board. Also nominated to serve on the board are William Brooks, Vice-President of Corporate Relations for the General Motors Corporation, and Gerald Shea, Executive Assistant to the Secretary-Treasurer of the AFL-CIO and currently a member of the Advisory Council on Social Security.

The other four members were appointed by

House and Senate leadership. These members are: Arthur "Pete" Singleton, former minority staff director, House Ways and Means Committee; Martha Keys, Vice-President of Public Affairs for the National Multiple Sclerosis Society and a former Congresswoman from Kansas; Lori Hansen, Policy Analyst for the National Academy of Social Insurance; and Carolyn Weaver, Director of Social Security and Pension Studies and Resident Scholar at the American Enterprise Institute, and currently a member of the Advisory Council on Social Security.

The President also nominated Linda Colvin Rhodes to be Deputy Commissioner of Social Security and David C. Williams to be Inspector General of Social Security. Linda Colvin Rhodes served eight years as the Secretary of Aging of the Commonwealth of Pennsylvania, and she was the first woman elected to be chair of the Pennsylvania Democratic Party. David Williams currently serves as the Inspector General for the United States Nuclear Regulatory Commission, and he brings to the agency an extensive investigative background.

All of the President's nominations require Senate confirmation.

Larry Thompson will remain as Chief Operating Officer of the agency.

REPRESENTATIVE PAYEE

You may be able to help a Social Security or SSI beneficiary who is disabled because of alcohol or substance addiction (a DAAB). New rules require that Social Security DAABs receive their payments through representative payees, the same as Supplemental Security Income DAABs. In addition, qualified organizations (rather than family, friends, or

other individuals) will be considered payee of first choice for all DAABs.

Phone: 410-965-7907
Fax: 410-966-9214

Social Security is seeking organizations to serve as payees, especially for DAABs. Qualified organizations include:

- * Community-based nonprofit social service agencies licensed or bonded by the State.

- * Federal, State, or local government agencies whose mission is to carry out income maintenance, social service, or health care related activities.

- * State or local government agencies with fiduciary responsibilities.

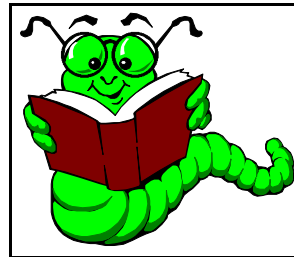
A representative payee ensures that benefit payments are used for a beneficiary's basic needs such as food, shelter, clothing, medical care and personal comfort items. The payee keeps records of how funds are used and provides an annual accounting of benefits to Social Security.

Staff at any Social Security field office can help an organization to determine the best way to set up a payee service to make maximum use of existing resources. Local offices can also provide additional information about representative payment in general and the specific needs of the communities they serve.

For additional information, call your local office or write, phone, or fax:

Ray Hairston
SSA-ORSI-RPS
3-A-26 Operations Bldg.
6401 Security Blvd.
Baltimore, MD 21235

CHILDHOOD DISABILITY PUBLICATIONS



The Office of Disability developed two publications to be used as handouts for childhood disability claims. They were initiated in response to continued allegations that children are being coached to qualify for SSI disability benefits, and were first introduced to DDS's in Administrator's Letter No. 331, dated November 14, 1994.

The publications are two-sided "fact sheets" entitled, "Important Information for Teachers and School Professionals About SSI Payments to Children with Disabilities," SSA Publication No. 64-057 and "Important Information for Parents and Guardians About SSI Payments to Children with Disabilities," SSA Publication No. 64-058. Spanish language versions of the two publications are SSA Publication No. 64-059 and 64-060, respectively.

The handouts are provided to anyone who inquires about or applies for SSI disability benefits for a child and to all teachers/school professionals from whom the Agency requests information about that child. Further, the State Professional Relations Officers and others, who regularly talk to, visit and make presentations to groups of educators and parents, distribute the appropriate fact sheet at these times.

While our continuing studies of childhood disability claims have not substantiated allegations of widespread coaching, the purpose of these handouts is to make everyone

aware of how seriously the Agency takes our responsibility to administer the program fairly and accurately.

ASSOCIATE COMMISSIONER'S

COLEMAN
(continued)

installed ramps; restaurants have rearranged seating and made bathroom stalls big enough for wheelchairs; etc.);

- begun to build a foundation for increased employment opportunities for people with disabilities by reducing discrimination in defining the essential elements of jobs, promoting fairness in the application process and requiring reasonable accommodations in the workplace; and
- eased mobility and communication for people with disabilities through such things as wheelchair lifts on buses and relay telephone systems.

The report also shows that the costs associated with the ADA have been modest. For example, the State of Tennessee has hired many people with disabilities, and the cost of accommodation has been minimal. More than half of the accommodations cost nothing at all. For those accommodations that did cost money, the average cost was \$206. Many Tennessee business owners who improved accessibility to their places of business found that business increased and more than offset the cost of the improvements.

The fear of numerous lawsuits clogging the judicial system was a major complaint by

opponents of the ADA, but that fear has been proven unfounded. The NCD reports that during the past 5 years compliance with the ADA has been chiefly voluntary rather than through litigation.

Perhaps the most important aspect of the ADA is the positive changes it has brought to American culture through the greater inclusion of persons with disabilities. As President Clinton said in his tribute to the fifth anniversary of the ADA, "...Americans are recognizing that we all gain as citizens of a country in which everyone can participate fully."

I would like to add my personal tribute to the ADA and I look forward to our nation's continued progress in expanding opportunities for inclusion of persons with disabilities in all aspects of our society.

Susan M. Daniels, Ph.D.



NATIONAL COMMISSION ON CHILDHOOD DISABILITY

The National Childhood

Commission was mandated by the Social Security Independence and Program Improvement Act of 1994 (P.L. 103-296) to conduct an in-depth analysis of the Supplemental Security Income (SSI) program for children with disabilities. The Commission, which convened for the first time in February, has been discussing the effects of the definition of disability when determining whether a child under age 18 is disabled, the appropriateness of the definition, and the advantages and disadvantages of using an alternative definition.

The Commission has also been addressing such issues as requiring treatment for receipt of benefits, and basing benefit amounts on the severity of disability, on the type of impairment, or on impairment-related expenses (irrespective of severity). The Commission has also heard testimony on limiting the amount of SSI for subsequent disabled children in the same household, and the feasibility of providing benefits to children through noncash means (such as through vouchers or debit cards).

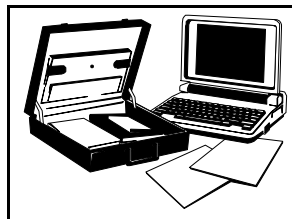
The Commission has met ten times. With the exception of one meeting in Philadelphia and another in Baltimore, all the meetings were held in Washington, D.C. Although they were unable to hold meetings in other parts of the country because of scheduling conflicts and budget constraints, the members have heard testimony from a national cross-section of the public, including parents of disabled

children, child advocates, educators, and members of the medical profession.

Staff from the Office of Disability have attended every meeting and have given testimony on various aspects of the childhood disability program. The Office of Disability has also provided technical assistance on numerous issues such as the sequential evaluation process for children, including the functional equivalence and individualized functional assessment steps.

Although P.L. 103-296 gives the Commission until November 30, 1995, to present their report to Congress, the Commission has decided that accelerated legislative activity requires them to issue their report as soon as possible. Their preliminary recommendations have already been forwarded to the Senate Finance Committee, before which Chairman Jim Slattery testified on behalf of the Commission.

One more meeting is scheduled in mid-September.



REDESIGN ACTIVITIES

One of the efforts currently underway in the Office of Disability (OD) is a redesign of our decision methodology. David Barnes, in the Division of Medical and Vocational Policy, is leading this effort. He has been very busy working with staff members to provide a tactical plan, reviewing contract proposals, and decision methodology research .

Dr. Chrisann Schiro-Geist, the Educational

Services from the University of Illinois, at Urbana-Champaign is assisting OD in the redesign of decision methodology. She recently spent several days in headquarters discussing redesign and methodology with key members of OD and the Disability Process Redesign Team's (DPRT) staff.

Dr. Schiro-Geist will be assisting OD in several areas of research design. Among others, she will be giving us guidance on our proposed research plan; preparing a research paper regarding triage in the disability program, as well as, a proposed regression analysis study that will help identify the effect of such things as age, education, and work experience on our disability determinations.

All of the components in OD have been busy working on various aspects of the redesign plan. A number of OD staff have been task team participants, and a greater number have been reviewing and sharing comments on the various task team reports.

On May 16 , a group was brought together to design training packages including the adjudication officer (AO) initiative and the disability claim manager scenario with the early adjudication list. The AO design will be tested in 15 sites across the country, including 5 state disability determination services, 5 Social Security Administration (SSA) field offices and 5 SSA hearing offices. Some others will be tested in conjunction with the disability models.

The final regulation entitled, "Testing Modifications to the Disability Determination Procedures," was published in the Federal Register on Monday, April 24, 1995. The test of these models will enable SSA to make recommendations for

implementation and/or further testing. On May 17, 1995, Senate Finance Committee staff were briefed by SSA executive staff on the disability models regulation and the model tests.

SSA, DPRT, OD and other involved SSA components are committed to providing world class service to the individuals we serve, our stakeholders and employees. Although we may not all agree how to "get there," everyone agrees that a positive change is necessary. DPRT has an ambitious schedule ahead for the planned pilots. We know that a number of you will soon be involved with the testing of redesign initiatives. We will continue to keep you informed through the "Disability Notes," on the various redesign plans.



IMPLEMENTING THE VOCATIONAL REHABILITATION REGULATION

In an effort to maximize savings to the Trust Fund, we published the Vocational Rehabilitation (VR) regulations in March 1994 which is designed to expand the availability and opportunities for rehabilitation and employment services for SSA's beneficiaries. While maintaining the "right of first refusal" by the State Vocational Rehabilitation Agencies (VRA), we are now able to refer individuals who do not receive services from the VRA to other public and private providers.

These new regulations brought the first substantive changes to the SSA VR program in over a decade. In addition to expanding opportunities for our beneficiaries to receive rehabilitation services and return to work, the regulations protect consumers by assuring that

alternative providers are qualified through licensing or certification to serve them.

In the year since SSA issued these regulations, we have been working hard to put the new process in place. Here is a brief description of these actions:

- o SSA has modified its claims system to record when a beneficiary is referred to a State VR agency. Now, we are developing a system to track these referrals, receive information about persons who are accepted for services, and identify unserved individuals for possible referral to an alternate private or other public provider. This tracking system will also give us information about the characteristics of persons who are accepted or not accepted for services in a State so we can better match beneficiaries with qualified private or other public rehabilitation providers.

- o We are informing public and private sector rehabilitation providers about our VR program. We have held discussions with representatives of State Mental Health and Developmental Disabilities agencies to discuss ways they can participate in our program. We have attended numerous meetings and conferences with national organizations, service providers, consumers and other groups within the disability community who have expressed interest in serving SSA beneficiaries. We have also communicated with over 700 individuals and organizations who have written to us and published informative articles in national trade journals and newsletters.

- o We are developing criteria for certifying alternate providers as qualified to serve our beneficiaries under the VR payment program.

- o We are working with our attorneys and Federal procurement professionals to draft model agreements and contracts with alternate providers who agree to serve our beneficiaries.

We expect to have the framework in place to begin enrolling alternate providers early in FY 1996.

CONGRESSIONAL HEARINGS OF INTEREST (First Session 104th Congress)

During the months of January through July 1995, the Social Security Administration has testified at the following hearings:

January 9 The House Committee on Ways and Means, Subcommittee on Social Security (Bunning), on the retirement earnings test. Commissioner Shirley S. Chater testified.

February 16 The Senate Finance Committee (Packwood), on the confirmation of Shirley Chater as Commissioner of the independent SSA. Commissioner Chater testified.

March 3 The House Committee on the Judiciary, Subcommittee on Immigration and Claims (Smith), on the effectiveness of worksite enforcement of the employer sanctions provisions created by the Immigration Reform and Control Act of 1986. Commissioner Chater testified.

March 7 The House Committee on Government Reform and Oversight, Subcommittee on Government Management, Information, and Technology (Horn), on improving the integrity of documents issued by the Federal Government. Commissioner Chater testified.

March 14 The Senate Committee on the Judiciary, Subcommittee on Immigration

(Simpson), on proposals to reduce illegal immigration and to control financial costs to the taxpayers. Commissioner Chater testified.

March 22 The Senate Committee on Finance, Subcommittee on Social Security and Family Policy (Simpson), on the rising costs in the Social Security disability and SSI disability programs. Commissioner Chater testified.

March 28 The House Committee on Appropriations, Subcommittee on Labor, HHS, Education, and Related Agencies (Porter), on SSA's FY 1996 budget request. Commissioner Chater testified.

March 30 The House Committee on Judiciary, Subcommittee on Immigration and Claims (Smith), on how to improve alien and immigration status verification systems for employment and benefit eligibility. Wendell Primus, Deputy Assistant Secretary for Human Services Policy, HHS, accompanied by Sandy Crank, Associate Commissioner for Retirement and Survivors Insurance, SSA.

April 7 The Senate Committee on Finance, Subcommittee on Social Security and Family Policy (Simpson) on the status of the OASDI trust funds. Commissioner Shirley S. Chater testified.

May 9 The Senate Finance Committee (Packwood) on the financial status of the Federal Medicare program, and its ability to deliver health care services. HHS Secretary Donna E. Shalala and Commissioner Shirley S. Chater testified.

May 10 The Senate Judiciary Subcommittee on Immigration (Simpson) on verification of applicant identify for

purposes of employment and public assistance. Gil Fisher, Assistant Deputy Commissioner testified.

May 23 & 24 The House Committee on Ways and Means, Subcommittee on Social Security (Bunning) on the Disability Insurance program, CDR reengineering. Commissioner Chater testified on May 23. Susan M. Daniels, Ph.D. attended with the Commissioner

June 13 The House Committee on Government Reform and Oversight, Subcommittee on Government Management, Information and Technology (Horn) third hearing in a series of hearings on "Making Government Work." This hearing focused on streamlining federal field structures. Commissioner Chater testified.

June 22 The House Committee on Ways and Means, Subcommittee on Oversight (Johnson) held a hearing on the operation of the Coal Industry Retiree Health Benefit Act of 1992. The Subcommittee examined SSA's commitment of resources to calculating premium, assigning beneficiaries to operators, and considering appeals. Principal Deputy Commissioner Larry Thompson testified.

June 27 Tentative SFC, Subcommittee on SS and Family Policy (Simpson) held a hearing on the solvency of the OASDI program. Commissioner Chater testified.

June 29 The House Committee on the Judiciary, Subcommittee on Immigration and Claims (Smith) held a hearing on immigration reform legislation. Commissioner Chater was invited to testify.



UPDATE ON PROJECT ABLE

We are happy to report that Project ABLE (Able Beneficiaries' Link to Employers) has expanded to the States of California, Illinois, Pennsylvania and Texas. Based on feedback received during the Project

ABLE pilot in Maryland, Virginia and Washington, DC, we are testing suggested improvements to the project in these additional States.

Project ABLE assists Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) disability recipients who are willing and ready to work, find Federal jobs. State Vocational Rehabilitation counselors enroll qualified SSDI and SSI disability beneficiaries in the Project ABLE data base that is maintained by the Office of Personnel Management (OPM). Federal employers nationwide access the Project ABLE data base via a touchtone telephone to obtain referrals of qualified candidates when filling job vacancies.

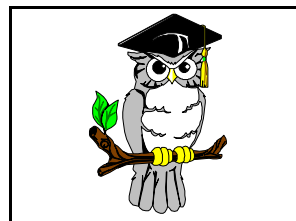
During the pilot in Maryland, Virginia and Washington, DC, a total of 488 candidates have been enrolled in the data base and about 61 Federal personnel offices have accessed it for recruiting. We anticipate that enrollments and employer use will increase as the new States enroll their job-ready SSDI and SSI disability beneficiaries.

Two improvements that should increase the opportunities for Project ABLE candidates are: (1) an automatic daily interface with OPM's Federal Job Opportunities Listing

resulting in referral of Project ABLE candidates to any Federal agency with a vacancy, (2) the addition of a resume bank resulting in employers receiving complete information about candidates through the automated system.

In addition, Project ABLE has been selected as a National Performance Review reinvention lab. It is a fine example of Federal and State agencies collaborating to give state-of-the-art service to their respective customers.

More information about Project ABLE may be obtained by contacting Reggie Sajauskas at (410) 965-5381.



TESTING REGULATION BASED MODIFICATIONS TO THE DISABILITY DETERMINATION PROCESS

A final rule giving SSA authority to test certain modifications to the initial disability determination process was published in the Federal Register on April 24, 1995. The rule describes four models that will be tested:

1. Disability claim manager, which establishes a disability claim manager (DCM) who will assume the primary responsibility for the processing of an initial disability claim. The DCM may either be a State agency employee or a Federal employee. In some instances, the duties of the DCM may be carried out by more than one individual.
2. Single decisionmaker, which allows a single decisionmaker to make the determination of disability (i.e., without the

need for a medical consultant's signature on the SSA-831), and to determine whether the other conditions of entitlement or eligibility are met. When tested in combination with the DCM concept, the decisionmaker will be the DCM. When the decisionmaker is a State agency employee, a team of individuals that includes a Federal employee will determine whether the nondisability conditions for entitlement are met.

3. Predecision interview, which offers the claimant the opportunity for a personal interview if the evidence in the file does not support an allowance. A predecision notice would be mailed to the claimant. The notice will state that before the decisionmaker(s) makes an initial determination about whether the applicant is entitled to disability benefits, the applicant may request a predecision interview and may also submit additional evidence.

4. Reconsideration elimination, which provides for requesting an Administrative Law Judge hearing if the claimant disagrees with the initial determination.

The Office of Disability (OD) solicited nominations for testing these models, either singly or in combination, from the Regions and received 32 nominations nationwide. The nominations included 18 for tests of the Single Decisionmaker alone, with another 15 to test the Single Decisionmaker in combination with the predecision interview and the elimination of the reconsideration step of the appeal process. The combination tests also provided for adding the Adjudication Officer once SSA has regulatory authority to test that position.

The Regional Implementation Coordinators (RIC) from each Regional Office met with OD, Division of Disability Process Policy Staff, in Central Office on June 20-21, 1995 to discuss their test site nominations. Representatives from the six AFGE Councils were present at this meeting, along with representatives from the Deputy Commissioner, Operations (DCO); Deputy Commissioner, Finance, Assessment and Management (DCFAM); Deputy Commissioner, Human Resources (DCHR); the Office of the General Counsel; and the Disability Process Redesign Team (DPRT). Each RIC give a brief presentation on the nominations from his or her region and fielded questions on them from the meeting participants. As a group, the meeting participants drew up a draft preliminary list of potential test sites. This list will be further discussed within OD, DCO, DCFAM, DCHR and DPRT, and shared with the National Partnership Council before final test sites are chosen.

Once test sites are selected, it is expected that some of the tests, especially the less complex ones, may begin soon.



MEDICAL POLICY SPECIALISTS (MPS) MEETING

The Office of Medical Evaluation in the Office of Disability recently concluded a very successful regional medical advisors (RMA)/medical policy specialists(MPS) meeting.

This was the 7th annual meeting for the RMAs and the third which included the MPS. The three-day medical meeting discussed

topics such as drug addiction and alcoholism, quality assurance issues, cardiology/pulmonary regulation clarifications, childhood updates to include the latest congressional ideas on where SSA should be going towards benefit entitlements.

Chuck Jones and staff members of the Redesign Team gave up-to-date information on where the various Task Teams were on their timetables.

Attendees expressed their satisfaction with the agenda. Everyone agreed that it was the best disability filled agenda ever for an RMA meeting. (Some discussion has been given concerning a similar gathering for a combined meeting of the RMAs and Chief Medical Officers from the State's Disability Determination Services as early as Fiscal Year 1996.)